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ABSTRACT

It would be easy to believe now that the student activism of the 1960's was an unpleasant aberration, quick to develop and almost equally quick to subside. However, recent events indicate that the student movement never quite ended. Today's student see greater gains from recourse to the courts and to the legislature. Success in gaining participation in administrative decisionmaking is evidenced by numerous state laws and the emergence of student unions as campus organizations. Although the unions may not have legislative backing, they represent a strong interest group and may exert power. (Author/MSE)

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STUDENT POWER REINCARNATED

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It would be easy to believe now that the student activism of the 1960's was an unpleasant abberation, quick to develop and almost equally quick to subside. Our professional attention is focused on other matters today, principally the effects of financial crisis on a threatened faculty. But by accepting too readily the prevailing view that student activism is moribund, educators may be making a mistake.

Recent events indicate that the student movement never quite ended. The violence largely did, of course, but the desire for power and influence which engendered the movement has not expired. Sporadic demonstrations continue over such issues as rights of homosexuals, race or sex discrimination, contracts with the oil-rich Middle East, university investments in South Africa, and ocean pollution. These issues sparked new student unrest last spring at a number of campuses including Stanford, Michigan State, and the University of Colorado. While they are significant issues, they are not as potentially potent as increased student costs and decreased employment prospects. In the last several years, economic problems have fired massive student uprisings in France, Italy, and Germany. It could happen here too. More than any other factor, continued economic insecurity may motivate students once again to close ranks in a common drive for power.

Such a power drive is not likely to take the same form as in the 1960's. One student leader recently remarked, "Student activism is alive, and it's a lot more sophisticated." Today's students see greater gains from recourse to the court and to the legislature. While they have had some success with consumer suits, legislative lobbying has provided more benefits. Intensive student lobbying efforts

were at least partially responsible last Spring for restoration of budget cuts in student aid in New York and the blocking of proposed cuts in appropriations for the University of Hawaii. Student lobbies have become recognized power brokers in a number of states in the past five years. Undoubtedly there are an increasing number of state legislators around the country who worry about their vulnerability to well organized student voting blocks within their districts.

Students have also been successful in securing an indirect role in faculty-administrative bargaining through recently enacted laws in Oregon, Montana, and Maine. Faculty collective bargaining has grown enormously since its start nine years ago. The chief barrier to further unionization is primarily the absence of supportive labor laws in many states. But this is changing. The remaining years of this decade will see intensive legislative activity. Faculty will not be the only ones lobbying for strong labor laws. Powerful student lobbies can be expected to urge that whatever legislation is enacted provides for substantial student involvement. And where their concerns are ignored, they may have enough political influence to block legislative action. The California student lobby was instrumental two years ago in blocking passage of a bargaining bill which would have applied to the California State University and University of California systems. It is doubtful that such a law could be passed in the future without their consent.

There are several possible student bargaining options, as the accompanying figure illustrates. Each, in our view, has certain advantages and disadvantages; and each probably requires statutory backing to be effective over time. In the last several years, students have succeeded in three states in securing a statutory right to play a role in faculty-administrative bargaining. In addition, we have identified a dozen states where students have been or are actively involved in shaping collective bargaining legislation. Most of the efforts so far have been directed to securing a consultant-observer role. At one end of the spectrum is

the Maine law that provides students with the opportunity to meet and confer with both parties. The Oregon law accords students greater access to actual contract negotiation, while the Montana law at the other end of the spectrum gives students a direct role as members of the administrative team.

While we are not sure the affiliation option best serves the interests of the educational community as a whole, we must acknowledge that the affiliation role does offer students a good chance to secure their contractual provisions. The recent contract negotiated at Eastern Montana College under the new statute resulted in the inclusion of numerous student-related provisions, including a clause outlining student grievance procedures, a clause on student rights, and clauses giving students representation on most standing committees and on professional search committees. However, one wonders if it really has to take a direct student role in collective bargaining to secure these benefits.

In the collective bargaining setting, most of today's student lobbying is directed toward securing non-voting third party participation. We believe that where academic bargaining exists, this avenue of student involvement is preferable to the other options, even though the customary bilateral negotiation process is altered. Students do have a major stake in the outcomes of bargaining, and we think they should have some role in the process, particularly when bargaining ranges beyond economic matters to include personnel decision making and governance issues.

Interestingly, in their search for ways to increase student influence, some students have sought to follow the lead of many faculty members by forming their own unions, even though the student community, including the National Student Association, is divided over the issue. De facto student unions have sprung up at campuses in the East, including Stockton State College in New Jersey,

Figure I: Student Bargaining Options

	None	Meet/Confer	Non-Voting Third Party	Affiliation	Independent Student Union
Definition	No role in collective bargaining	Students meet with fac or admin or both outside of bargaining	Students have an indep right to non-voting participation in fac-admin negotiation sessions ranging from observation to commentary*	Students affiliate with fac or with admin side, and participate in negotiation sessions	Students have an independent right to bargain as a union with admin separately or trilaterally
Where Occurring (negotiation sessions to date)	On most campuses (550 unionized campus in country)	Maine by Law**	Oregon by law**	Montana by law** (with admin)	Legis efforts under way in Mass.
		At several campuses elsewhere by invitation	Legis efforts underway in Calif, Fla, Minn, New Jersey, Penn, Wash, Wisc	At several campuses elsewhere by invitation (usually administration)	Organizing effort by NY student lobby at SUNY campuses to be followed by legis. effort.
			At six or more campuses elsewhere by invitation		Organizing effort ongoing at least at one campus
Positive Aspects	Bilateral character of bargaining preserved →		Students may play a conciliation-mediation role as third parties		Bilateral character of bargaining preserved
		May produce student-related contract provisions →		→	→
			Students participate directly in campus decision making →	→	→
			Bargaining may be more responsive to campus-as-community		Stongest student bargaining posture
Negative Aspects	Student interests may be overlooked	Student input dependent on other parties	Where observe only, student input limited	Adversary relationship with one party may develop	Collective bargaining taken out of employment context
	Student alienation may occur		Bilateral character of bargaining compromised →	→	Professional-client character of educ process subverted
			Balkanization of campus may occur with impasse		Sense of community threatened
					Certification process may be undermined
					Cost increases Trilateral bargaining could occur

*No power to date to block fac-admin agreement

**Public Campuses only

the University of Massachusetts, campuses of the Massachusetts State College System, and several units of the State University of New York. To date these unions seem to be partly consumer-oriented and partly a stepping-stone to a more powerful status. As evidence of the former, these organizations so far have engaged in such beneficial activities as letter-writing campaigns in the face of threatened budget cuts, organizing food co-ops and second-hand bookstores, and providing for legal services to members. But they have also shown signs of aspiring to a more active and influential role.

Massachusetts student leaders introduced a student bargaining bill into the legislature in 1976. The bill was designed to protect the right of student self-organization by conveying bargaining rights similar to those enjoyed by employee groups. Thus, the bill would confer "the right to form, join or assist any student organization to bargain collectively through representatives of their own choosing" to all students "enrolled in an institution of postsecondary education in Massachusetts for at least six or more units of credit, or enrolled in graduate degree programs." Under this legislation, student union representatives would bargain with the chief executive officer or his designee at any institution of postsecondary education over "questions of costs, degree requirements, student fees, student services, student employment, student housing, student activities, curriculum, and other terms and conditions of their education." The bill also provided that the parties could negotiate a grievance system ending in binding arbitration and could grant students the right "to engage in other considered activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion." The strike weapon itself, however, was outlawed by another section of the bill.

Other provisions of the proposed law described University unfair administrative practices, provided guidelines for recognition of a student organization as

a union (30% of the students enrolled could entitle the organization to an election), established a labor relations commission to determine the nature of the bargaining unit and facilitate resolution of bargaining impasses, and stipulated a service fee to be paid by all students to cover the costs of bargaining and contract administration.

This legislation, while copied from public employee bargaining laws, did not go very far toward accommodating bargaining to the unique status of students as non-employees, nor did it explain how student bargaining would relate to existing governance patterns. Numerous questions were left unanswered. For example, how could a chief administrative officer negotiate with students over matters not directly under administrative control? Would a chief executive be able to negotiate degree requirements and curriculum when such matters are usually faculty prerogatives? If administrators are to negotiate with students as consumers, then why not with parents, who usually pay tuition, and with taxpayers, who provide 80-85 percent of total educational costs at most public institutions (exclusive of room and board)?

Disturbing questions about this bill led to the proposal of a special study commission to be set up by the Massachusetts legislature. The study commission and the original bill died in committee in the House when the legislature adjourned last October. The study commission proposal but not the substantive bill was introduced again in the 1977 session and was endorsed by the Education Committee. Representative James Collins of Amherst, who introduced both measures, said this fall that the role of students in collective bargaining is certain to be an important topic in 1978, either through special study legislation or through inclusion in more encompassing legislation requiring a complete reassessment of higher education in the state.

In New York several campuses within the State University have seen the surfacing of student "unions" as campus organizations. While, as in Massachusetts, there is no enabling legislation for such groups, they have enjoyed rapid growth, often receiving political and financial support from student government leaders. Such collaboration is not unusual, since student radicals in the 1960's quickly learned to dominate recognized forums in order to gain power positions. As one radical strategist of that era put it, "Seats won (in student government) should be used as a focal point and sounding board for demonstrating the impotence of student government from within." Equally important, noted the strategist, student government can be used for money. "Many student activity funds are open for the kinds of things we would like to see on campus: certain speakers, films sponsoring conferences, etc. Money, without strings, is always a help." One student government group at a SUNY campus has appropriated $8,000 for 1977-78 to support a unionization study project on the campus to be sponsored by the Student Association of State University (SASU), the SUNY student lobby group. The project involves holding a number of seminars on the campus on the goals, methods, techniques, and history of student organizing and student unionization, as well as a conference open to students from other campuses in the state. Part of the $8,000 will be used to support a bi-monthly student union newsletter, while the bulk of it will pay the salary of a full-time SASU union project director. If other student governments on other SUNY campuses also appropriate funds for a similar purpose in the next year or two, it is clear that SASU proponents of student unionization will have a ready base from which to mount a recruitment campaign.

Like litigation and lobbying, the student union movement may experience rapid growth in coming months. There are forces promoting such growth, as one student union organizing leaflet points out:

> The tuition hike last year, the budget cutbacks this year, recent administrative foul-ups, and so on, have taught us three key lessons: first, when there is an economic 'crunch' we must fight to defend ourselves or lose; second, public education in general is under attack by those who think too many people may become too educated for the fewer and fewer non-alienating jobs; and third, here on campus we are disenfranchised from the decisions and relationships that most affect our day-to-day lives...so that to make things educationally and socially better here, we must gain some direct political power. To defend ourselves on the State level and to improve our circumstances on campus we need to be organized, informed, and able to make our desires known and respected. Neither here nor elsewhere has student government, or good relations with faculty, or the good intentions of administrators been sufficient to the task of students winning power over their own lives, in a context where we also retain the creativity and sensitivity to use such power to make campus life really rewarding for all.

National student organizations, such as the National Student Association, are turning to study of student unions as found in Europe and South America. The National Student Educational Fund, a non-profit organization, publishes several handbooks related to collective bargaining, including one designed to clarify issues in the debate about student unionization and to offer suggestions as to what structure this new student organization should take.

Why should students try to form unions which are unlikely to secure legal backing from legislatures? The answer should be obvious. A strong interest group can exert power. As one student publication notes,

> A de facto union would be able to quickly generate a tremendous campus understanding of the issues, a discussion of alternative strategies, and solidarity in carrying out whatever tactics were agreed upon. Moreover, the Union could very easily communicate with off-campus groups, people at other schools, welfare people, taxpayers, parents, the community, etc. If we can build a strong Union, students' feelings about the budget would have to be taken into consideration by politicians before they begin discussion of cutbacks, not afterwards.

Steve Pressman, former chairman of the City University of New York Student Senate, recently was quoted as saying "It's all part of the same strategy. Voter registration, lobbying, calling out the troops - - all of those things built into one, indicate the power students can have."

Given the likely growth of student activism in the months to come, it is important for faculty members and administrators to understand the nature of contemporary expressions of power, including de facto unions, and seek to minimize the negative consequences such forces could have on our already overburdened and conflict-ridden campuses. Given the low priority of postsecondary education among legislators and the general public, a return to radicalism of the 1960's would do more to hurt then help. On the other hand, a unified approach by faculty, students and administrators before legislators and the public may be the best guarantee that postsecondary education has of getting its story across.

Insofar as student unionization is concerned there is good reason to question the wisdom of granting bargaining rights to students. For one thing, student bargaining would tend to make teachers and students equally qualified judges of academic policy. This is done in the name of democratization, since the assumption is that political democracy is a necessary structure for all institutions within a democratic society, regardless of the roles of merit and competence. While democratic processes certainly have a place in the academy, it is illogical to extend them to professional matters such as teaching, or to allocation of resources provided by the public (or by private persons in the form of grants and gifts) when the givers expect to retain control through delegated authority. Testimony presented by the Board of Trustees of the Massachusetts State College System to a committee of the Massachusetts Legislature argued persuasively that

collective bargaining was developed in the context of labor relations and should not be transposed to a consumer group within the educational framework. As the Trustees noted, the suggested topics of bargaining

> have consistently been held to be within the managerial prerogative of governing bodies of institutions of higher education. That concept ought not to be abrogated for the benefit of students. In the realm of public higher education, a lay board of trustees is invested with authority to determine such matters for the very reason that an institution of higher education, as a public institution, serves a much greater constituency, in space and in time, than is represented by the student body at any particular moment. This bill proposes and would mandate that the Board of Trustees, as management, negotiate with the consumers about matters that, in their negotiations with employees, have been held by law to be within the sphere of managerial prerogative.

Actually it is hard to comprehend just what contractual obligations the institution could demand of students. Bargaining with consumers about the nature and cost of the service is quite different from bargaining with employees over salaries to be exchanged in return for a given amount of work. If a consumer doesn't like the bargain, he or she doesn't consume.

There is also some concern about allowing student leaders to use mandatory activity fees collected and monitored by the institution to support student unionization efforts. Of course, students may use funds wholly under their control for that purpose. But where campus officials are responsible for collecting and approving the uses of student activity fees, they may have a legal obligation to see that such monies are not used for partisan lobbying activity; and surely a student union, as a political interest group, falls into this category. Where academicians find themselves threatened with lawsuits from student government officials for not approving funds, or from disgruntled students for approving financial support of union activities, it may be necessary to give

up responsibility for collection, even though the loss of payments may jeopardize some campus programs.

Nevertheless, while bargaining with student unions in the labor-management tradition is inappropriate, student unions may serve a purpose by signaling disenchantment with the existing system for student involvement in decision making. It may therefore suggest changes in campus governance structures.

There has never been a consensus on what form student participation should take. On some campuses, students have been incorporated into a broadly inclusive deliberating body. On other campuses, they have formed one house of a bicameral representative structure. And, on a few campuses, they have sought to be part of the collective bargaining process between faculty and employees. In all of these instances the central concern of students is their ability to affect decision making, and the central concern of campus officials is to help students without appearing to hurt faculty.

While we cannot assume that there is a unique solution, we can distinguish factors which cause student frustration and promote a student search for ways of shocking the governance system. With these factors in mind, we can take some obvious steps toward integration of students into campus governance and thus possibly avoid the further factionalism an independent student union as an exclusive bargaining agent would create:

(1) Initiate communication and joint action with student groups and their leaders, rather than wait for demands to be presented.

(2) Make sure that where faculty unions exist student interests underlie the management position. Use pre-bargaining and post-bargaining briefing sessions to

assure students of attention to their concerns. Consider ways of involving students in the bargaining talks themselves as non-voting parties.

(3) Clarify the role of students in campus policy development. Encourage student leaders to attend committee meetings, develop position papers, and join in discussion. Take responsibility for strengthening their commitment and skills, and refuse to accept weak performance as a reason for exclusion.

(4) Respect established student and joint decision structures when issues arise, protecting them from bypassing and power usurpation by leaders of competing student interest groups.

(5) Preserve student rights and the integrity of the institution with equal and unyielding diligence.

(6) Seek to work <u>with</u> students on matters involving communication with legislators and the general public. Try to discourage activities which will be counterproductive to the interests of the institution as a whole.

Attention to these matters may not prevent an adversary relationship with some students from materializing. Growing frustration with the intangible rewards and tangible costs of education may carry many students beyond the reach of reason. But acting now to integrate the educational organization could in many cases be enough to prevent what student unions threaten - - the expansion of a troublesome breach into a permanent, institutionalized chasm.